

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

NORTHWESTERN UNIVERSITY,	)	
	)	
and	)	CASE 13-RC-121359
	)	
COLLEGE ATHLETES PLAYERS	)	
ASSOCIATION (CAPA)	)	
_____	)	

**BRIEF OF *AMICI CURIAE*  
ASSOCIATION FOR THE PROTECTION OF COLLEGIATE ATHLETES**

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In response to the Board's Notice and Invitation to File Briefs dated May 12, 2014, the Association for the Protection of Collegiate Athletes ("APCA") respectfully submits this brief as *amici curiae*.

### **STATEMENT OF INTEREST**

The APCA is a national not-for-profit association that represents the interests of men and women who play sports at the collegiate level and, specifically, on athletic teams sanctioned by the National Collegiate Athletic Association ("NCAA") at the Division I, II, and III levels. Among the various services it provides to its constituents, the APCA serves as an information clearing-house, ensuring that college athletes have ready access to unbiased, reliable, and complete information. The APCA's goal is to provide the information collegiate athletes need to make knowledgeable decisions about which school to attend, the rights and obligations they have when playing for their collegiate team, and how to use their athletic experience to find a job when they graduate. The APCA's information resources include school ranking reports, tuition and scholarship calculators, referral lists, and related materials. The APCA does not differentiate or prioritize services based on NCAA Division, sport, or gender. Membership in the APCA is open to anyone who plans to be, is, or was a college athlete.

Because it represents college athletes, the APCA has a substantial interest in this case. The Petitioner's position, if sustained, would fundamentally alter the structure and scope of collegiate athletics. This would, of course, have a dramatic impact on hundreds of thousands of college athletes, including the many student-athletes who do not receive scholarships, and/or do not play the so-called "revenue" sports. The APCA believes that these college athletes should have a voice in this matter, and this *amicus* brief is an effort to reflect the views that they have expressed to the APCA.

## **SUMMARY OF ARGUMENT**

As an organization devoted to the interests of college athletes, the APCA is well aware that there are significant problems with the current structure, economics, and ethics of athletic programs at American universities and colleges. It is obvious that the universities and the NCAA generate substantial revenues from college sports – primarily football and basketball – but do not share those revenues with student-athletes. Merchandizing using players’ likenesses is especially problematic for many observers. At the same time, there is a well-founded concern about the long-term health of students who may be injured while playing sports, and the lack of resources available to help them. There is a growing sense in many quarters that real reform is necessary to correct some of these imbalances.

The answer to these problems is not, however, unionization of student-athletes. Contrary to the assumptions of the Regional Director, modern college athletics – for all its imperfections – remains primarily an educational endeavor. For virtually all college athletes, participation in college sports is, and will always be, intrinsically part of the pedagogical process. Indeed, overwhelming evidence shows that participation in athletics has very substantial academic benefits. The educational value of sports includes the development of leadership skills, cognitive and analytical reasoning, teamwork, discipline, resilience, character and values. The educational utility of sports is also reflected in its role in community-building, diversity, and social cohesion. Thus, to suggest, as the Regional Director does, that athletics is not part of an individual’s education is not just wrong – it is demeaning to college athletes. Redefining student-athletes as “employees” would just encourage everyone, including the students themselves, to dispense with educational development, which is in no one’s interests. We should be strengthening the links between college sports and education, not severing them.

Moreover, as a number of commentators have noted, the unionization of scholarship athletes in the revenue-generating sports would inevitably affect other student-athletes. It is uncontested that the revenues generated from college football and basketball are used to fund other college sports programs, such as swimming, lacrosse, water polo, softball, track & field, rowing, tennis, and many others. *See* Region 13 Decision and Direction of Election (March 26, 2014) (“Region Dec.”) at 13. As a practical matter, any gains achieved through collective bargaining by college football and basketball players will – unless linked to broader reforms – come at the expense of students in these other sports, who would lack equivalent rights to collectively bargain.

In short, the Petitioners’ position is not good policy. The goal here should not be to advance the interests of a small minority of elite players by granting them special rights, but to improve life for *all* college athletes.

\* \* \* \*

In the Argument below, we begin by explaining why the connection between athletics and education is a critical threshold consideration in this case, regardless of how the legal test is articulated. We then outline the large body of academic and scientific literature regarding the pedagogical nature of college sports, and show that the Regional Director was wrong to assume that “sports time” and “education time” are separate and distinct. Finally, we discuss the demographics of the college athlete population, and show that because the Regional Director’s decision would grant rights to only a small percentage of that group, the inevitable result of his approach would be to impose the costs of unionization on the majority of student-athletes in non-revenue sports. We argue that such an approach is neither justified nor wise, and that unionization is the wrong tool for solving the problems with college sports.



## ARGUMENT

### I. THE BOARD SHOULD CONSIDER THE PEDAGOGICAL VALUE OF PARTICIPATION IN COLLEGE ATHLETICS.

As Northwestern notes in its Request for Review (at 19), the Regional Director's decision raises a threshold question about the proper legal test for determining whether students are actually "employees" within the meaning of Section 2(3) of the National Labor Relations Act ("NLRA"), 29 U.S.C. § 152(3). Northwestern argues for application of the standard set forth in *Brown University*, 342 NLRB 490 (2004) ("*Brown*"), whereas the Regional Director (at 18) rejected application of *Brown* in favor of a "common law test" that appears to be based on the pre-*Brown* decision in *New York University*, 332 NLRB 1205 (2000).<sup>1</sup>

Regardless of the precise contours, derivation, or lineage of the legal test, however, the key inquiry here is whether the relationship between the individuals and the university is primarily educational, or primarily economic. *See Brown*, 342 NLRB at 487-88 (noting that the Act covers "economic relationships"); *New York University*, 332 NLRB at 1207 (examining whether "work is primarily educational"). In other words, under any rational construction of the legal standard, the question boils down to whether the individuals who seek to unionize should be viewed primarily as students or as professional athletes. And while there are a number of factors that are relevant to that inquiry, perhaps the most important in this context is the degree to which college athletics is an educational endeavor. If participation in sports is integral to education, then the time that student-athletes devote to practice and games is part of the academic process, and not a "job" in the traditional sense.

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<sup>1</sup> The APCA is sympathetic to the view expressed in *Brown* that "principles developed for use in the industrial setting cannot be 'imposed blindly on the academic world.'" 342 NLRB at 487 (quoting *NLRB v. Yeshiva University*, 444 U.S. 672, 680-81 \*(1980)). The Board should be cautious of adopting any standard that risks interference in educational relationships or that could result in a "change in emphasis from quality education to economic concerns." 342 NLRB at 489.

**A. The Regional Director Was Wrong to Assume That College Athletics Are Not Educational In Nature.**

The Regional Director's decision in this case rests squarely on the conclusion that "the players' football-related duties are unrelated to their academic studies . . . ." Region Dec. at 18. To support his view that players are not "primarily students," the Regional Director pointed, first and foremost, to the amount of time that players spend on their sport. *Id.* at 5-9, 18-19. In doing so, the Regional Director assumes that athletics and education are separate, and thus that any time spent on the playing field or in related preparation should be counted as non-educational time. *Id.* at 18 (observing that players spend "40 to 50 hours per week on football-related activities" versus "about 20 hours per week attending classes").

That is simply not correct. The Regional Director's notion that academics and athletics are distinct – such that time spent on one is in derogation of the other – is a false dichotomy that ignores the fact that participation in athletics has substantial pedagogical benefits. Sports and classroom studies are not discrete, unrelated activities; both are part of the broader collegiate experience, along with other co-curricular activities. Supreme Court Justice Byron White, who was also an accomplished collegiate athlete, explained:

Sports and other forms of vigorous physical activity provide educational experience which cannot be duplicated in the classroom. They are an uncompromising laboratory in which we must think and act quickly and efficiently under pressure and then force us to meet our own inadequacies face-to-face and to do something about them, as nothing else does . . . .

John M. Barron et al., *The Effects of High School Athletic Participation on Education and Labor Market Outcomes*, 82 Rev. Econ. & Stat. 409, 409 (Aug. 2000). Indeed, "[t]he opportunity for students to participate in intercollegiate athletics is a vital component of educational development." *Mansourian v. Bd. of Regents of Univ. of Calif. at Davis*, 816 F.Supp. 2d 869, 874 (E.D. Cal. 2011).

Anecdotal evidence assembled from APCA members confirms that many college athletes understand that participation in sports is inherently part of – not separate from – their education. *See* Attachment 1 (collecting various statements submitted by current and former student athletes regarding the educational value of sports). In their statements, student-athletes repeatedly reference a wide range of specific educational benefits derived from sports, including learning work ethic, discipline, goal-setting, time management skills, leadership, patience, teamwork, social skills, self-confidence, networking, perseverance, punctuality, and many other important qualities and skills. *Id.* For example, a student-athlete at Wittenberg University explained the point as follows:

I believe swimming in college not only taught me more about my sport, but about life. I learned how to manage my time with school, swimming, my sorority, and other actives. I learned how to excel in all that I did on campus because of what I learned through swimming.

*Id.* at 3 (Statement of Keaton Hannon). Likewise, a baseball player at Emory University explained:

I believe that being a student-athlete in college isn't limiting what I am learning in college, but is enhancing it. Not only do I still get a great education, but I learn invaluable lessons in teamwork, problem-solving, time-management, etc. while on the baseball field. My baseball ability gave me the opportunity to get into a school whose academic standard was much higher than any I thought I could initially get in. After receiving this opportunity, I felt encouraged and even obliged to prove that I belonged - not only on the field, but in the classroom as well.

*Id.* at 6 (Statement of Michael Byman). And a Division I soccer player (who wishes to remain anonymous) said:

Participating in collegiate athletics at the Division 1 level has provided me the opportunity to learn and develop skills comparable to that of, and even beyond, a classroom setting.

*Id.* at 17.

These anecdotal impressions regarding the educational value of athletics are supported by a vast array of empirical and quantitative social science research. A recent study summarizes the literature on this subject as follows:

Physical educators and sport experts would agree that athletic participation brings numerous physiological, psychological, educational and social benefits to the participants. These general benefits of athletic participation and spectatorship may include: (1) improving health and exerting students' surplus energies; (2) obeying the competition or societal rules and constraining delinquent behaviors (such as cheating, acting violently, consuming illegal substances, and drinking excessive alcohol, etc); (3) promoting societal values, integrity and building character; (4) enhancing confidence, motivation, sense of empowerment, and self-esteem; (5) providing social interaction, fun and enjoyment; (6) offering opportunities for education and career in sports; (7) expanding life experience and making more friends; (8) knowing how to deal with failure and difficult situation, and (9) developing life-skills (Blinde, Taub, & Han, 1993; Coakley, 2007; Eitzen & Sage, 2008; Hudson, 2000; OPERD, 2004; Shaffer, & Wittes, 2006; Woods, 2006; Woodruff & Schallert, 2008). More specifically, many positive educational benefits were found to be associated with intercollegiate sport participation. Studies supported that collegiate student-athletes were often more engaged in academic and campus activities than their non-athlete peers (Wolniak, Pierson, & Pascarella, 2001; Umbach, Palmer, Kuh, & Hannah, 2006; Williams, Sarraf, & Umbach, 2006). Student-athletes were also more likely to transfer learned life and work skills, and self-esteem and character traits (i.e., integrity and work-ethics) into their chosen career fields (Spreitzer, 1994; Shiina, Brewer, Petitpas, & Cornelius, 2003; Weis, 2007). In addition, successful athletic programs that consistently win more games attract student-athletes and non-student-athletes with higher academic scores, hence improving the academics of the institution as a whole. (Mixon, Trevino, & Minto, 2004).

Steve Chen et al., *The Effects of Sport Participation on Student-Athletes' and Non Athlete Students' Social Life and Identity*, Journal of Issues in Intercollegiate Athletics (2010 Vol. 3) 176-193.<sup>2</sup>

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<sup>2</sup> See also, e.g., John Robst et al., *The Relationship Between Athletic Participation and Academic Performance: Evidence From NCAA Division III*, 32 Applied Economics (2000) 547-558 (Division III college athletes have higher GPAs and graduate at higher rates than non-athletes); Williams, et al., *Beyond the Headlines: Examining the College Experiences of Division I High-Profile Athletes*, Annual Association for Institutional Research Forum (Vol. 319, May 2006) ("[B]oth male and female student-athletes engage in active and collaborative learning and interact with faculty members at rates consistent with or greater than that of their non-athlete peers.").

To be sure, the educational benefits of participation in college sports are not always evenly distributed by race, gender, scholarship status, and the like. *Id.* Nor does the claim to educational value rest solely on evidence of enhanced cognitive development among college athletes.<sup>3</sup> But the data conclusively refute the sort of “dumb jock” stereotype reflected in the Regional Director’s decision. For example, studies show that academic performance – as measured by GPA – is sometimes better among scholarship athletes than non-scholarship athletes or non-athletes. *See, e.g.,* Paul Milton, et al., *Do Athletic Scholarships Impact Academic Success of Intercollegiate Student-Athletes: An Exploratory Investigation*, *Journal of Issues in Intercollegiate Athletics* (2012 Vol. 5) 329-338 (concluding that “empirical evidence support[s] the conclusion that athletic scholarships may have a positive impact on academic success”). This is also true when considering subsets of the scholarship athlete population. *See, e.g., Athletic Scholarships Have a Huge Impact on Black Student Graduation Rates*, *The Journal of Blacks in Higher Education* (Vol. 46, Winter 2004/2005) at 68 (“The evidence is clear that Black scholarship athletes actually perform better academically than Black students as a whole.”).<sup>4</sup> Likewise, research shows that athletes earn more, on average, than non-athletes after graduation. Henderson, et al., *Do Former College Athletes Earn More at Work? A Nonparametric Assessment*, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=870291](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=870291) (concluding that former college athletes earn a wage premium).

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<sup>3</sup> A British study concludes that the educational benefits of participation in athletics fall into four categories: physical, social, affective, and cognitive. Bailey, et al., *The Educational Benefits Claimed for Physical Education and School Sport: An Academic Review*, *Research Papers in Education* (Vol. 24, No. 1 March 2009) 1-27. It finds that there is evidence that participation in sports contributes to development in all four areas, including cognitive development, while noting that the precise mechanisms for how this is achieved are not well understood. *Id.* at 14-16.

<sup>4</sup> *See also* Patrick James Rishe, *A Reexamination of How Athletic Success Impacts Graduation Rates: Comparing Student-Athletes to All Other Undergraduates*, *American Journal of Economics and Sociology* (Vol. 62, No. 2, April 2003) 407-427.

Moreover, social science research confirms the anecdotal evidence outlined above regarding the pedagogical benefits of sports in specific areas such as leadership skills and time management.<sup>5</sup> Studies show that student-athletes self-report “greater gains than non-athletes in the areas of personal and social development.” See Paul D. Umbach, et al. *Intercollegiate Athletes and Effective Educational Practices: Winning Combination or Losing Effort?*, 47 Research in Higher Education 709 (2006). Athletic experience is also praised for increasing emotional intelligence, thereby enabling student-athletes to better negotiate interpersonal relationships and thrive in workplace environments. Penelope Trunk, *The Workplace Favors Athletes, So Do Your Best To be One*, <http://blog.penelopetrunk.com/2006/07/10/the-workplace-favors-athletes-so-do-your-best-to-be-one/>. As Peyton Manning – the current National Football League quarterback and former University of Tennessee student-athlete – once said, ““The reality is that collegiate sports have a lot more to do with learning than they do with winning. As student-athletes, we learn more than most people . . . the blessings of . . . camaraderie and shared sacrifice, collective responsibility and commitment to excellence, and time management and life management.”” Mitten, 8 VA. SPORTS & ENT. L.J. at 115. As Harry Lewis, the former Dean of Harvard College, explained, sports are a core part of human development:

“Like scholarship or mathematics or music, athletics at their best operate in a glorious parallel universe in which the lucky and the skilled can temporarily dwell and excel, detached from the banality of ordinary life. Competitive ambitions and financial rewards need not corrupt sports, no more than awards debase the value and purpose of learning or of art. The pursuit of excellence in any area can be

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<sup>5</sup> Playing team sports “provide an opportunity to exercise leadership and to develop leadership skills.” Astin, Alexander W. Astin & Helen S. Astin, *Leadership Reconsidered: Engaging Higher Education in Social Change*, <http://files.eric.ed.gov/fulltext/ED444437.pdf>. Scholars have found that “athletic participation in college had a positive impact on leadership behavior and interpersonal skills.” Keith Eche et al., *An Exploration of Leadership Characteristics in College Athletes*, Counseling Center University of Maryland, <http://williamsedlacek.info/publications/articles/exploration697.html>; E.T. Pascarella, & J.C. Smart, *Impact of Intercollegiate Athletic Participation for African American and Caucasian Men: Some Further Evidence*, 32 Journal of College Student Development 123 (1991).

more than entertainment – it can be a thing of beauty that brings profound satisfaction to the human spirit.”

Harry Lewis, *Excellence Without A Soul: How A Great University Forgot Education* 252 (Public Affairs 2006).

Researchers also suggest that athletics are important to community building in the collegiate setting, which provides pedagogical and developmental benefits for all students. *See* Mixon, et al., *Touchdowns and Test Scores: Exploring the Relationship Between Athletics and Academics*, *Applied Economics Letters* (Vol. 11, No. 7, 2004) 421-424. For example, one study found that athletics promote several traits that assist in community building, including “sharing a common goal, engaging in intense, frequent interaction, sharing adversity in the form of hard work, suffering, and sacrifice, having a common enemy, holding team members accountable, having coaches guide them, and exposure to difference from an early age.” Lisa Wolf-Wendel et al., *There’s No “I” in “Team”: Lessons from Athletics on Community Building*, 24 *THE REVIEW OF HIGHER EDUCATION* 369, 376-77 (2001).

Furthermore, studies show that athletics promote “racial diversity and multicultural environments” which are important higher education goals. Scott Hirko, *Intercollegiate Athletics and Modeling Multiculturalism*, 148 *NEW DIRECTIONS FOR HIGHER EDUCATION* 91 (2009). “Athletic team dynamics enhance behavior that improves interracial understanding and even addresses racial antagonism.” *Id.* at 94; *see also* T. K. Bown, “*Teammates on and off the Field? Contact with Black Teammates and the Racial Attitudes of White Student Athletes*,” 33 *JOURNAL OF APPLIED SOCIAL PSYCHOLOGY* 1379 (2003). According to Hirko, athletics advance cognitive development and socialization of student-athletes because of the inherent “group cohesions and quality interracial interaction.” *Id.* at 96.

Finally, the record in this particular case also strongly supports the conclusion that athletic participation has pedagogical benefits. A number of witnesses testified that playing sports at Northwestern had educational value, in the form of lessons regarding time management, communication, attitude, working under pressure, pattern recognition, and many other skills. *See* Transcript of Proceedings (“Tr.”) at 1062-64, 1233-34, 1277-78, 1298-99, 1310-12. Players did not separate their football experience from their student experience; rather, “they went hand-in-hand.” Tr. at 1298 (testimony of former player Patrick Ward).

The integration of education and athletics is particularly strong at Northwestern, as evidenced by the fact that the school has the highest graduation rate for football players of any FBS program. Tr. at 912-13. As the Regional Director noted, players maintain a cumulative grade point average of over 3.00, and have one of the very best Academic Progress Rate scores in the country. Region Dec. at 13; *see also* Tr. at 499, 1025, 1046-47. Indeed, the record evidence shows that “players’ academics must take precedence over athletics.” Region Dec. at 12. To back up that policy, Northwestern has a broad range of programs to ensure academic success for its athletes, including academic advisors, tutors, mandatory study hall, class attendance policies, and the P.R.I.D.E. program. *See* Tr. at 171, 219-20, 809, 857-78, 861-62, 885, 1024-25, 1230-31. These programs are available to all student-athletes, not just scholarship football players. Tr. at 1024-25. Moreover, the school allows students to miss practice or games in order to satisfy academic requirements. Tr. at 842-44, 1040-41, 1061. And the athletic coaches at Northwestern routinely act as teachers, advising students on all aspects of their education. Tr. at 1021; 1062-64; 1233, 1278; 1310-12. The head coach views himself “first and foremost” as an educator, and the players “absolutely” viewed him as a teacher. Tr. at 1062 (testimony of Coach Fitzgerald), 1310 (testimony of Patrick Ward).



**B. Because Time Spent Participating in College Athletics is Educational, College Athletes Cannot be Defined as “Employees” of Their School.**

Given that athletics is inherently part of the broader educational process, it makes no sense to tote up hours on the playing fields – as the Regional Director did – and count it as “work time” unrelated to a student-athlete’s education. *See* Region Dec. at 5-9, 15-16, 18. For a college athlete, there is no bright line between athletic competition and learning; it is all part of the collegiate experience. If that is true, then it is not accurate to say that the student-athlete’s relationship with the school is economic rather than educational. Everything the student-athlete does – attend practices, watch film, follow the NCAA and university rules, and play in games – is, at least to some degree, educational in nature.

The same is true, of course, with respect to other co-curricular activities. Suppose, for example, a student spends 40 to 50 hours a week rehearsing and acting in school theater productions. Is she “primarily” an actor? Or suppose a student spends 40 or 50 hours a week working as an editor on the school paper. Is he “primarily” a journalist? If a student practices and plays 40 to 50 hours a week in the school band, is she “primarily” a musician? It should be obvious that such activities – even when they consume the majority of a college student’s waking hours – are really part of an education. No one could plausibly argue that such co-curricular choices transmogrify a student into an employee, even if the school realizes some direct or indirect economic benefit from the student’s efforts. It is, frankly, insulting to student-athletes to suggest that their choice to play sports is somehow less educationally valuable than the choices of their non-athlete peers.

The logical and analytical flaws in Regional Director’s reliance on the concept of “football-related duties” are also highlighted by his conclusion that non-scholarship athletes are not “employees.” Region Dec. at 17. Nothing in the Regional Director’s findings or analysis

suggests that non-scholarship players are subject to different rules or different time commitments than scholarship players. To the contrary, the record is clear that non-scholarship players devote the same amount of time to their so-called “football-related duties” as scholarship players. *See* Tr. at 1036. They perform the same “duties” and are subject to the same rules. Tr. at 1269-70; 1307. If that is so, then it cannot be that the nature of the tasks performed, degree of control over players, or time spent on athletics are relevant to the question whether Northwestern football players are students or employees.<sup>6</sup>

\* \* \* \*

In sum, Northwestern University football players cannot be defined as “employees” because of the specific nature of their athletic activities or the amount of time they devote to sports. All of that time is properly classified as educational – regardless of whether the students receive formal academic credit for it – and that is why they are properly defined as “student-athletes.”

## **II. THE BOARD SHOULD CONSIDER THE POTENTIAL IMPACT OF ITS DECISION ON ALL COLLEGE ATHLETES.**

The ramifications of this case extend well beyond Division I football and men’s basketball. The APCA and the students it represents are concerned about the potential negative consequences of unionization for all college athletes, including non-scholarship players who, under the Regional Director’s approach, would not have similar rights to bargain collectively. The Board should not alter the rules for scholarship athletes in the revenue sports when doing so would almost certainly hurt other student-athletes.

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<sup>6</sup> With all of these rationales eliminated, the only remaining basis for the Regional Director’s decision is the fact that the players in question receive athletic scholarships. Region Dec. at 14-15. As Northwestern has explained, however, athletic scholarships cannot be deemed “compensation” because they are based on tuition costs, not performance. Student-athletes continue to receive tuition reimbursement even if they are unable to play. Northwestern’s Request for Review at 24-25.

**A. Most College Athletes Do Not Play Revenue Sports or Receive Scholarships.**

There are over one thousand schools within the NCAA. *NCAA Sports Sponsorship and Participation Rates Report 1981-1982 – 2012-2013*, NAT'L COLLEGIATE ATHLETIC ASS'N, <http://www.ncaapublications.com/p-4293-2011-12-ncaa-sports-sponsorship-and-participation-rates-report.aspx>. All told, there are more than 460,000 athletes at these schools. *Id.* Of that total, about 177,000 students – 82,00 females and 95,000 males – play for NCAA Division I schools. *NCAA Sports Sponsorship and Participation Rates Report 1981-1982 – 2012-2013*, NAT'L COLLEGIATE ATHLETIC ASS'N, <http://www.ncaapublications.com/p-4293-2011-12-ncaa-sports-sponsorship-and-participation-rates-report.aspx>. Within Division I, most of the attention is focused on football teams within the Football Bowl Subdivision (“FBS”) and men’s basketball, which are often referred to as the “revenue sports.” However, in addition to football and basketball, the NCAA recognizes and awards championships for many other sports, including baseball, bowling, cross country, fencing, field hockey, golf, gymnastics, ice hockey, lacrosse, rifle, rowing, skiing, soccer, softball, swimming & diving, tennis, indoor and outdoor track & field, volleyball, water polo, and wrestling. *Sports*, NAT'L COLLEGIATE ATHLETIC ASS'N, <http://www.ncaa.com>.

NCAA Division I and Division II schools are permitted to offer athletic scholarships to a limited number of students.<sup>7</sup> At Division II schools, there are roughly 36,000 athletic scholarships available. See <http://www.athleticscholarships.net/division-2-colleges-schools.htm>. At Division I schools, roughly 126,000 student-athletes receive an athletic scholarship. These

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<sup>7</sup> Division III schools do “not award financial aid to any student on the basis of athletics leadership, ability, participation or performance.” *Division III Philosophy Statement*, <http://www.ncaa.org/governance/division-iii-philosophy-statement>. Of the three NCAA divisions, Division III is the largest, with about 170,000 male and female athletes at 444 member institutions. *Division III*, Nat'l Collegiate Athletic Ass'n, <http://www.ncaa.org/about?division=d3>.

numbers include both full scholarships and partial scholarships. *See* Bill Pennington, *Expectations Lose to Realities of Sports Scholarships*, N.Y. TIMES, August 3, 2010. Thus, only about 35 percent of all NCAA student-athletes receive some form of athletic scholarship. And of the more than 162,000 NCAA athletic scholarship recipients, only 15,000 play in the Division I revenue sports.<sup>8</sup> Accordingly, the group that might be eligible for representation under the Regional Director's analysis – scholarship players in the revenue sports – represent only about three percent of all NCAA student-athletes.<sup>9</sup>

Moreover, there are substantial differences even among the ranks of the so-called “revenue sports.” As noted above, virtually all college sports programs at Division I schools are at least partially funded by revenues generated by the football and men's basketball programs. However, according to the NCAA, only “23 athletics programs in the FBS reported positive net revenues for the 2012 fiscal year.” *NCAA Intercollegiate Athletics Programs Report 2004-2012*, <http://www.ncaapublications.com/productdownloads/2012RevExp.pdf>.

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<sup>8</sup> There are 125 Football Bowl Subdivision (FBS) schools, *see Football*, NAT'L COLLEGIATE ATHLETIC ASS'N, <http://www.ncaa.com/sports/football/fbs>, each of whom are permitted to give 85 scholarships. *2013-2014 NCAA Division I Manual*, NAT'L COLLEGIATE ATHLETIC ASS'N, <https://www.ncaapublications.com/p-4322-2013-2014-ncaa-division-i-manual.aspx>. During the 2012-2013 season, 346 basketball teams participated in men's Division I basketball, *see NCAA Sports Sponsorship and Participation Rates Report 1981-1982 – 2012-2013*, NAT'L COLLEGIATE ATHLETIC ASS'N, <http://www.ncaapublications.com/p-4293-2011-12-ncaa-sports-sponsorship-and-participation-rates-report.aspx>, and each team was allowed to provide up to 13 scholarships. *2013-2014 NCAA Division I Manual*, NAT'L COLLEGIATE ATHLETIC ASS'N, <https://www.ncaapublications.com/p-4322-2013-2014-ncaa-division-i-manual.aspx>. Thus, there are a total of 15,123 ( $125 \times 85 + 346 \times 13$ ) scholarships available in the revenue sports.

<sup>9</sup> In addition to the NCAA programs, there are also almost 300 schools within the National Association of Intercollegiate Athletics (“NAIA”). *About the NAIA*, Nat'l Ass'n of Intercollegiate Athletics, [http://www.naia.org/ViewArticle.dbml?DB\\_OEM\\_ID=27900&ATCLID=205323019](http://www.naia.org/ViewArticle.dbml?DB_OEM_ID=27900&ATCLID=205323019). The NAIA schools have about 60,000 athletes. *Id.* In addition, the National Junior College Athletic Association (NJCAA) governs athletic programs at two-year college programs. *NJCAA Membership*, Nat'l Junior Coll. Athletic Ass'n, <https://www.njcaa.org/membership.cfm>. There are currently about 464 schools and 53,000 athletes within the NJCAA. <http://www.scholarshipstats.com>. Both NAIA and NJCAA schools offer athletic scholarships.

**B. Any Collective Bargaining Gains By Unionized Revenue Sports Players Would Come at the Expense of Other Student-Athletes.**

Given the demographics of the collegiate athlete population outlined above, the Regional Director's analysis, if upheld, would have very disparate impacts on different groups. First, as noted above, the decision is explicitly limited to scholarship players. *See* Region Dec. at 17. Second, the Regional Director's conclusions appear to be limited to players in the revenue sports, *i.e.*, those programs that "generate[] revenues" and produce an "economic benefit" for the university. *Id.* at 14. Thus, only the tiny fraction of athletes in men's football and basketball programs would have the right to seek representation under the Act.

That presents major practical problems. The athletes who unionize would, naturally enough, bargain for increased resources – such as increased compensation, medical benefits, and the like – from the university.<sup>10</sup> As a number of commentators have noted, however, any such increase in resources would inevitably come at the expense of other students. *See, e.g.*, George Leef, *Let's Call Time-Out on Unionizing College Football Players*, *Forbes* (April 1, 2014). In particular, gains for unionized players would likely be paid by the non-revenue athletes. Many deserving student-athletes – who compete in what some might see as the less glamorous sports – would see their own share of resources diminished. Scholarships for those sports would be at risk (especially in light of Title IX requirements, which effectively double the costs of any enhancement to a men's sports program). We might even see schools abandon some programs – such as men's lacrosse, swimming, or tennis – in order to pour even more into football and basketball. And that would be a real tragedy.

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<sup>10</sup> Of course, such a union would not have the right to bargain with the NCAA, which is not an employer, yet is arguably the only entity that would be able to address many of the more contentious issues facing college sports.

To be sure, the negative externalities of unionization are not usually a reason to hesitate. No one could legitimately complain if one group of factory workers organize and collectively bargain for higher wages at the expense of a second group of workers, who thereafter receive less. The difference, however, is that in the case of two groups of factory workers, the second group almost always has the right to organize too, and counter-balance what would otherwise be a redistribution of resources among similarly-situated groups. Here, because athletes outside of the revenue sports would not have rights to unionize, they would be especially vulnerable to the externalities of collective bargaining. Nor is it any answer to say that all scholarship athletes should have the right to organize. That would just mean that the costs would fall on the non-scholarship athletes, as well as non-athlete students.

The real problem here is that unionization is not the right tool to address the issues that all student-athletes face. While scholarship players in the revenue sports – like all college athletes – do need additional protections, those changes need to be made by the NCAA and its member institutions, who could and should structure remedies in a way to avoid imposing costs on other students. And if the NCAA and the schools fail to act, Congress or state legislatures would have a similar ability to tailor reforms to fit the needs of the entire population. The commercialization of college athletics is a problem, to be sure. But the answer is not to give up and declare that players are professional athletes. That would worsen – not redress – the erosion of the long-standing ideals of amateurism in college sports.

## **CONCLUSION**

For the foregoing reasons, the Board should grant Northwestern's Request for Review and reverse the Regional Director's conclusion that student-athletes are "employees" of the university.

Dated: July 3, 2014

Respectfully submitted,

/s/ Donald J. Munro  
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JONES DAY

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APCA

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of July 2014, an electronic copy of this Brief of *Amici Curiae* was electronically filed with the National Labor Relations Board via its Internet website at <http://mynlrb.nlr.gov/efile>. In addition, true and correct copies of the brief were served by email or overnight delivery as follows:

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# Attachment 1

**APCA**  
**Current and Former Student Athlete**  
**Statements on Educational Value of Sports**

**Kylie McKenzie**  
**Swimming**  
**Emory University**  
**Division III**

**Approved to use name**

For the past 15 years, swimming consumed my free time. When other kids wrote down notes in class, I wrote down my goal splits. When other kids daydreamed, I visualized my races. However, those who know and understand this sport can attest to the fact that swimming is certainly not an individual sport. I swam everyday (usually twice a day) while staring at a black line on the bottom of the pool for hours on end because I always had my teammates and coaches behind me with their endless support and encouragement. This team dynamic was essential to achieving my individual and overall team goals. I ended my career as a 6-time NCAA All-American and my team won the NCAA Division III National Championship for the past five years (2010-2014). This is why student-athletes are extremely valuable in the workplace because of our demonstrated passion, motivation, and dedication that allows us to identify with others, to establish goals, and to work diligently to achieve said goals. I could not have asked for more from this sport, not because the journey was flawless and easy, but because it was not. I learned countless lessons through the successes and failures of my journey with the most important being discipline, dedication and resilience. Without swimming, I certainly would not have been the same caliber student. My experience with time management and goal-setting through swimming helped me with the pursuit of my degree and my career. I am also honored to say that I was one of 29 females across all divisions and all winter sports who received an NCAA Post-Graduate Scholarship, which I will put towards funding graduate school. The impact of my experiences as a varsity athlete on my personal growth and development both in and out of the classroom is hard to put to words. My journey as an athlete chiseled and shaped my character. Through sport, I became an individual who thrives in a team setting, one who is willing to take risks, one who can handle challenges and disappointments, and one who goes above and beyond in pursuit of her goals. My journey as a student-athlete started back when I was 8 years old and culminated with the past four years as a collegiate athlete. This experience made me the person I am today, and I am eternally grateful for all of the wonderful people who have taught me so much about life and myself. I would do it all over again a thousand times. I ended my career loving swimming more than I ever have, and I owe it all to those who helped shape my experience as an Emory student-athlete.

**Joe Donino**  
**Baseball**  
**Columbia University**  
**Division I**

**Approved to use name**

I learned how to work hard for a goal that may be a long way away, yet appreciating the journey to get there. This work ethic carried over to other aspects of my life including school. I attained the ability to push myself and my teammates around me, in pursuit of that goal, to new levels. I learned to value the importance of now, and not waiting for things to come to you, but to take them.

**Ryan Navarre**  
**Soccer**  
**Missouri State University**  
**Division I**

**Approved to use name**

I learned how to master time management skills. I learned how to become the best student and the best athlete I possibly could. Being a student-athlete is no easy task. It teaches you so much over the course of 4 years. I wouldn't trade it for the world. It teaches you about working for the good of a unified group. It teaches you to do things for others and not necessarily for yourself. Being a student-athlete has made me a better person all around and I will be more successful in life because of it.

**Gabby Wilson**  
**Volleyball**  
**University of Alabama-Huntsville**  
**Division II**

**Approved to use name**

It takes dedication and a lot of time out of your schedule. Requires a lot of time around your team on road trips and such. Teaches your patience and teamwork.

**Chris Peters**  
**Football**  
**University of Toledo**  
**Division I**

**Approved to use name**

Playing ball at the University of Toledo was a great experience. What I learned most that related to me both on and off the field was to be aggressive towards achieving my goals. That mindset was instilled in me to compete at the highest level and I'm forever grateful for the many lessons learned during my time at Toledo.

**Meaghan M.**  
**Swimming**  
**University of Idaho**  
**Division I**

**Approved to use name**

Through college athletics, time management was probably the most important thing I learned. I was in one of the more rigorous majors Idaho offered which took up a significant amount of my time when I wasn't swimming. This helped me learn more about myself and has shaped the person I've become. Both my educational experience and participation in collegiate athletics has helped me along my career path and given me many qualities employers look for (teamwork, individual drive, commitment). I've had 3 internships in sports (for the university's athletic department and 2 minor league baseball teams), and each one has asked me about my experience as a student-athlete. They were all impressed and could see the effects of my participation in my work ethic.

**Thomas Murphy**  
**Football & Baseball**  
**Williams College**  
**Division III**

**Approved to use name**

Participating in collegiate sports has not only provided me with educational value, it in my opinion has provided more educational value to me than any curricular activity has ever done. This is because collegiate sports teaches you about important life lessons. In team sports like football and baseball, you depend on each other to succeed, so inevitably the success of your team is relying upon the chemistry and teamwork of the entire team. Selfish players do not play on championship football or baseball teams. Yes you may learn the values of humility in some other experience in your life but a team sport truly forces you to make personal sacrifices to succeed like nothing else in college can. Another thing you learn while playing a sport is how to treat a figure of authority or a superior. In college, your experience with figures of authority is very limited, and you mostly only encounter them if you have gotten in trouble, so you usually are only learning from experiences with your professor; something that provides a small sample of experiences to learn from. When dealing with a coach, you experience all kinds of scenarios ranging from dealing with a lack of playing time, being encouraged to do more for the team or being asked to change roles on the team. You learn what is acceptable and what isn't; you can get promoted and take on more responsibilities on the team by becoming a team captain, and also lose playing time or even get cut from the team, both experiences that will potentially affect everyone in their own future. No, it doesn't teach you the information that gets you an A on a test, but that is not what you remember later in life. You will always remember the struggles and triumphs that go along with being a member of a collegiate sport. In addition, many employers look for college athletes because they have great time management and more importantly, they have great social skills and are used to hard work. Also, they may have been a college athlete themselves and like to have something in common with their employees. Collegiate sports has educational value, and much more.

**Mia Michalak**  
**Swimming**  
**Emory University**  
**Division III**

**Approved to use name**

College athletics taught me balance. It takes a lot of discipline to juggle practice, travel, classes, and involvement in other activities. I learned what motivates me and how to channel that into success. I learned what it feels like to be a part of a group that truly feels like a family, and how to come together to achieve huge things. I learned how to have self-confidence, and that I am much stronger than I sometimes feel.

**Keaton Hannon**  
**Swimming**  
**Wittenberg University**  
**Division III**

**Approved to use name**

I believe swimming in college not only taught me more about my sport, but about life. I learned how to manage my time with school, swimming, my sorority, and other activities. I learned how to excel in all that I did on campus because of what I learned through swimming.

**Kevin O'Connor**  
**Baseball**  
**Emory University**  
**Division III**

**Approved to use name**

Life is a balancing act consisting of dozens of responsibilities and not a ton of time to fulfill all of them. Playing a sport in college taught me how to manage my time, energy, and resources so that I could succeed in everything I do. Without collegiate athletics, I would not have known what it meant to give it my all. All you premier Division 1 athletes who think academics don't matter are going to run teeth-first into a giant wall when you no longer have your body to rely on.

**Chris Brown**  
**Baseball**  
**Emory University**  
**Division III**

**Approved to use name**

For a subordinate NLRB official to deem that collegiate sports have no educational value is utter blasphemy. Collegiate sports provide students-athletes with rigid, structured year around schedules that instill worldly skills like time management and the ability to work with a team. While playing baseball at Emory University, all of us on the team were committed to a 40 hour baseball "work week," in addition to a rigorous academic calendar. You simply won't be a successful student-athlete if you fail to learn how to manage your time accordingly. Not to mention, in this process you realize that you and 35 other of your best friends are going through this learning process together. Learning how to work with your teammates to achieve a common set of goals, is another fundamental aspect of playing a collegiate sport. Playing baseball at the collegiate level for two years at Emory was undoubtedly a beneficial educational experience.

**Cody Wetmore**  
**Baseball**  
**Emory University**  
**Division III**

**Approved to use name**

Playing a sport in college has opened my eyes and mind to an entirely new chapter and growing experience in my life. In addition to the added freedoms attending college brings to a student, playing a sport on top of it demands with it an entirely new set of responsibilities and skill sets. Most notably, upon playing college baseball I've been forced to quickly develop time management skills and a strong work ethic that can't be taught in the classroom. I've learned that most things are never handed to you and it's your work ethic that can launch you to success. Most importantly, I've learned the power of networking, as alumni games and upperclassmen mentors on the team provide me with the help and knowledge I need to survive in the world following my four years playing college baseball.

**Andrew Doetsch**  
**Baseball**  
**Emory University**  
**Division III**

**Approved to use name**

Through baseball I have learned how to manage my time, deal with failure and cooperate with a group of people that all strive towards the same goal. As someone who has worked in an office on a 9 to 5 shift, I attribute all of my successes in that field to the knowledge that I gained through baseball. Not only did I have experience working through any potential personality conflicts, but I was also able to budget my time efficiently because I had learned how to handle these tasks from baseball. I would consider baseball or any other college sport to be the best possible simulation of what it's like to be employed. The experience and knowledge I have gained from baseball is utterly invaluable.

**Kyle Monk**  
**Baseball**  
**Emory University**  
**Division III**

**Approved to use name**

My participation in a college sport has not only been a learning experience, but it has provided me with an education that I could not get any other way. In addition to learning to balance a full and busy schedule, my time on the field has given me the opportunity to persevere through adversity. Failure is ingrained in the sport of baseball and the only way to succeed is to learn to deal with and overcome failure. My time working with teammates to persevere through adversity in order to achieve a common goal has been an invaluable learning experience- an experience only attainable through college sports.

**Jack Dougherty**  
**Baseball**  
**Emory University**  
**Division III**

**Approved to use name**

Some of the most invaluable life lessons I have learned in all my days have come in the process of playing ball for the Eagles, even after just one year. I learned to compete in an extremely competitive environment, how to manage a "hierarchal" type environment as a freshman at the bottom of the totem pole and most importantly how to manage my time with academics along with having one of the most rewarding experiences of making it to the World Series with some of my closest friends in the world who I wouldn't know without the game. The bond between teammates transcends social groups or majors or race or any other barrier for that matter. People not involved in collegiate athletics wouldn't understand this. I actually did significantly better in school during baseball season when faced with the pressures of time management and tight deadlines and commitments. I'm sure this will prove invaluable later on.

**Connor Dillman**  
**Baseball**  
**Emory University**  
**Division III**

**Approved to use name**

I've learned incredibly important teamwork, social, and time management skills while playing varsity baseball at Emory. I've been told from employers on many occasions that the stresses of working with upwards of thirty other teammates to achieve a shared goal on a team directly parallels many workplace environments in the "real world," and I can see why. Over the course of a season, each individual is held accountable for his actions and how they affect the rest of the team, and each individual is expected to be on time (early) to every team function. Furthermore, we are extremely close with our alumni and are expected to reach out to them each year in an effort to create a closely knit network of successful and hardworking people born from Emory baseball. From baseball, teamwork, social skills, and time management skills have become second nature for me and the rest of my teammates.

**Michael Byman**  
**Baseball**  
**Emory University**  
**Division III**

**Approved to use name**

I believe that being a student-athlete in college isn't limiting what I am learning in college, but is enhancing it. Not only do I still get a great education, but I learn invaluable lessons in teamwork, problem-solving, time-management, etc. while on the baseball field. My baseball ability gave me the opportunity to get into a school whose academic standard was much higher than any I thought I could initially get in. After receiving this opportunity, I felt encouraged and even obliged to prove that I belonged - not only on the field, but in the classroom as well. I am now at the top of my class in one of the best business schools in the nation and am sculpting my path for the future each day because, and only because, I am a collegiate student-athlete.

**Wes Peacock**  
**Baseball**  
**Emory University**  
**Division III**

**Approved to use name**

Playing baseball in college has taught me many skills that I will carry through life. Most importantly, it has taught me to be punctual. Arriving 15-30 minutes before I need to be at the field is expected. Being on time is a very important thing in the real world, and I believe that non-athletes may struggle with arriving in a timely manner. This is a make-or-break thing for many businesses, so I am grateful that I learned early on that being on time is very important. I have also learned to work with a team. Many businesses require you to work in groups, and people that don't play sports may not be used to working with others. College baseball has taught me to respect others' opinions and to work together to find solutions to problems. It has also taught me to be a leader, which is obviously very useful after college.

**Brandon Hannon**  
**Baseball**  
**Emory University**  
**Division III**

**Approved to use name**

Playing baseball in college has taught me many things about life that will carry on long past my collegiate career. It has taught me to persevere through adversity, manage my time and priorities, and compete at a high level in multiple atmospheres. My first college at-bat I grounded into a double play. I dealt with failure well and ended having a very successful career. Playing baseball kept me on track with my studies because time was limited and structured.

**Chris Young**  
**Baseball**  
**Emory University**  
**Division III**

**Approved to use name**

My first year playing baseball for Emory was absolutely remarkable. Even prior to moving into my dorm in August, I immediately felt part of the team. I was welcomed by the upperclassmen as soon as I arrived at campus. I never had to worry about "fitting in" or getting to know people because I had my teammates at my side from the start. /// Academically, the fall semester was quite the disaster. I didn't know how to manage my time effectively, and put myself in a deep hole in multiple courses. However, in the spring semester (during baseball season), I was much, much more successful. Playing a sport during the season allowed me to manage my time much better. I knew that I had to get certain assignments done before the deadline if I had a road trip coming up, and the season practices and games kept me on a routine schedule. In addition, many of my teammates acted as great resources for help in my classes: I got tutoring from them in multiple subjects. Ultimately, my GPA rose .80 from the fall semester to the spring semester. /// Finally, I have already begun creating relationships for future employment and internship opportunities with the alumni from our baseball program. They are so helpful and involved and proud to be alumni of Emory Baseball. They have found wild success after college and want to help us do the same. /// Conclusively, playing a sport in college has proven to be extremely beneficial both academically and socially. It has taught me how to overcome adversity and past failures to find success (even when on a tight schedule with my courses/season), and it has given me an unbelievably strong group of friends and networking opportunities.

**Paul Schwendel**  
**Baseball**  
**Emory University**  
**Division III**

**Approved to use name**

Playing college baseball taught me many valuable skills that I continue to use in my career today. Leadership, teamwork, and perseverance are just a few examples of things that I learned the importance of while playing a college sport, and these skills have helped me a great deal in my current job. The competitive environment of college athletics forces student athletes to take their game to another level, and I believe that this forced me to grow personally in many aspects.



**Connor McGuiness**

**Baseball**

**Emory University**

**Division III**

**Approved to use name**

Playing a sport in college was essential to my learning. Had I not played on a baseball team in college I know for a fact that my college experience would not have been as beneficial. I believe in sports so much that I am currently the Pitching Coach at Emory. A common phrase we use with our pitching staff is that we need to be "comfortable being uncomfortable." At first it may sound weird but it carries weight. Many of my players have used this in their interviews for jobs, and they have always come back to me telling me that the tools they learned on the field were just as important as their education in the classroom.

**Elaina Kim**

**Track and Field**

**Emory University**

**Division III**

**Approved to use name**

Through my experience playing a sport at the collegiate level, I have learned an incredible amount of discipline, and the true strength of tenacity. Whether through injury, defeat, disappointment, or pressure, my college athletic experience has forced me to grow up and learn fast in order to come closer to my dreams of being an excellent athlete. Additionally, the added academic expectations and extracurricular activities I am involved in have moved me to be a multi-dimensional, motivated professional--in the classroom, leading my peers, and on the field. The experience of being a college athlete is hardly effortless, and it definitely does not always come with glory. In fact, the most defining and valuable experiences have come from my worst seasons and my biggest failures. However, I firmly believe that the discipline, work ethic, grit, and leadership that I exhibit as a professional are all a credit to my experiences in college athletics.

**Erin Bratcher**

**Women's Basketball**

**Charleston Southern University**

**Division I**

**Approved to use name**

Discipline, respect, perseverance and the value of hard work. How to get along with others and deal with adversity. How to compete and succeed at a high level and how to balance sport and life.

**Sadie Nennig**

**Swimming**

**Emory University**

**Division III**

**Approved to use name**

Playing a sport in college has taught me many valuable life lessons. To list a few: responsibility, determination, persistence even through the hard times, time management, the list goes on and on. Most importantly it has taught me that I am a part of something greater than myself. Yes, I had personal goals, but I strived my best to help the team achieve a common goal

**Claire Liu**  
**Swimming**  
**Emory University**  
**Division III**

**Approved to use name**

The swim team is like a second family, everyone is very close knit and we have a lot of fun together. Training every day is hard, but it's made better by my teammates lifting me up and encouraging me when it gets hard. The sense of team carries on outside of the pool too and they are there as friends and give out help in academic and personal areas.

**Ildi Gaal**  
**Rowing**  
**Wellesley College**  
**Division III**

**Approved to use name**

Joining the crew team at Wellesley is truly what defines my experience there as a student. The team was an incredible community made up of the hardest working women I have ever met in my life, who were also incredibly fun and supportive in all aspects of life. Our team had the most awards and national scholar athletes despite our rigorous training schedule, because we were taught about the values of hard work, commitment, tenacity, persistence, diligence, passion, trust, teamwork, time management, communication, risk, and grit. These traits, that are so valuable in the real world, were reinforced outside of the classroom daily, and were likely to be communicated via a much deeper personal connection through sport. I could talk all day about how much sports and collegiate rowing have taught me and have made me who I am today, but I will end with this quote by the famous boat-maker George Pocock. "Harmony, balance, and rhythm. They're the three things that stay with you your whole life. Without them civilization is out of whack. And that's why an oarsman, when he goes out into life, he can fight it, he can handle life. That's what he gets from rowing."

**Matthew Nereim**  
**Wrestling**  
**North Carolina State University**  
**Division I**

**Approved to use name**

Through playing a sport in college I learned what personal characteristics I respond best to in a coach. I felt most comfortable and supported by my original coach who took a personal interest in getting to know me as not just a wrestler but as a person.

**Nina Zook**  
**Swimming and Diving**  
**Emory University**  
**Division III**

**Approved to use name**

At the age of five I could not swim. By nineteen, I was a NCAA All American and varsity record holder for Emory University. Until college I always viewed swimming as an individual sport. When I came to Emory I had the chance to be apart of something bigger than myself. Swimming provides me a foundation for holistic balance. The water is the one place I find solace and sanctuary. The sport has taught me to push through defeats and come out stronger on the other side. This has held true in other life challenges, from my personal health to relationships. Some of my top competitors

are the teammates who swim in my lane every day. This creates a very dynamic and competitive atmosphere that cannot be matched. We push each other every day during practice in a supportive manner. Each and every swimmer wants the best for themselves, teammates and team. When it comes to meet time, everyone is equal. We understand that the collective winning as a team is much more than the individual accolades. Emory Swimming does not provide me financial aid; it provides me something much more gratifying. The swimmers were my immediate family when I first stepped onto campus and have become my best friends. They have helped me reach my goals. Without them, I would not be who I am today nor aspire to be a doctor.

**Ed Byman**

**Golf**

**University of Connecticut**

**Division I**

**Approved to use name**

Playing college golf required a tremendous investment of time and energy to be successful. I learned and utilized skills in time management, in setting and achieving personal and team goals and in personal discipline to prepare to compete. The college athlete is required to invest all this time in his sport while still achieving success in the classroom. The skills and lessons I learned as a college athlete were invaluable to me in achieving success in the business world as well.

**McKenna Newsum-Schoenberg**

**Swimming**

**Emory University**

**Division III**

**Approved to use name**

My collegiate athletic experience has been incredible. I couldn't ask for better teammates, coaches, fellow athletes, and athletic faculty. As DIHI has stated over and over, "DIHI athletes okay for the love of the game". We aren't playing for scholarships but rather for our passion and love of our respective sports. Emory athletics is a strong and supportive community and the Emory swim and dive team is unlike any other. The team has taught me about myself, about hard work, about determination, about passion, and about the importance academic achievement as well as athletic success. I am truly in awe of this school and our athletes!

**Mackenzie Oskin**

**Tennis**

**University of Southern Mississippi**

**Division I**

**Approved to use name**

While playing sports in college, I learned a lot about time management and team work. Playing college tennis, I had to learn to manage my time with school, traveling, and practices. To say that there is no educational value to playing a sport in college is entirely false because student athletes are students first. We must make a certain grade point average to remain eligible to play. Student athletes must also plan their classes, study time, tutoring sessions, and meetings with professors around their practice and travel schedule. Because of this, student athletes learn that managing their time is key in being able to remain eligible and play the sport they love. Therefore, college athletics is most certainly an educational experience. Team work is another aspect that can be learned through college athletics. Playing on a team with girls from all over the US taught me how to get along with different people and to put forth the best effort possible for my team and for my school. Team work is such a valuable lesson to be learned through college athletics and is vitally important. Team work is not only important on the field/court, but it's important in the classroom. Team work is a quality that can not

only transition from team work to win a match, but team work to encourage each other and be accountability partners in school.

**Adelaide Taylor**  
**Swimming**  
**Emory University**  
**Division III**

**Approved to use name**

Swimming in college was more than swimming purely for the love of the sport. You become accountable to your teammates and representative of your school. The first year of college, you join a team that has established tradition, legacy, and respect...all aspects that are bigger than yourself. This is both an incredible feeling and a humbling experience, although it can be overwhelming at first. I learned through swimming in college was gaining a broader perspective. Sometimes when a practice did not go well or I didn't achieve a time in a race that I wanted to, it helped to step back and look at the bigger picture. I remembered how important it was to try my hardest no matter what, because effort and determination keep the Emory tradition going and is why the team has a well-earned hardworking reputation.

**Edward Byman**  
**Wrestling**  
**North Carolina State University**  
**Division I**

**Approved to use name**

I learned many invaluable lessons and developed many exceptional characteristics. I learned the value of hard work, toughness, diligence, a positive attitude, team chemistry, and many more. I became a better man during the process. I became a leader, a motivator, a friend, and a teammate. I feel after collegiate sports I am in a better position to achieve my career goals because I know how to push through the pain of training and being hungry, tired, and out of breath but still pushing on. Most men go there whole lives without pushing themselves to their limits, but I have and that makes me better equipped to overcome any obstacle that I face in my future!

**Lindsay Cowher**  
**Women's Basketball**  
**Wofford College**  
**Division I**

**Approved to use name**

Time management is necessary to be successful. Unfortunately, balancing school and a sport in college can be very demanding. I had the experience of playing a sport in college versus not (I transferred and retired from basketball after my freshman year) and the difference in my academic focus was substantial. After transferring, my grades were top of the class and I was able to participate in a lot more volunteer opportunities/clubs/etc. that were never available for me due to time when being a student athlete. This may seem trivial and like common sense, but I do not think I possessed the knowledge going into college just how much time would be spent not only playing and practicing basketball, but training/lifting/running/and even just mentally preparing for everything it involves. My personal experience playing was a very positive one. Despite limited minutes on the court, I grew close with my team and developed a true "family" in my time at Wofford. During the course of the season, I was struck by multiple personal tragedies involving my family and never once did I feel like I was dealing with things alone. This is something I missed when quitting basketball. You will never develop a closer bond than you do with those who are by your side 12+ hours a day doing sprints, warming up, or just simply walking to the gym together. Sports taught me a lot about who I am and who I want to be. Although, like I mentioned earlier, I had much more leisure and time to discover myself in college life post-basketball, I believe playing

college basketball really shaped my work ethic to be successful. It also allowed me to bond and grow very close kinships with girls who came from all types of backgrounds. For this alone, sports can be so impactful.

**Stephanie Crane**  
**Cross Country, Track and Field**  
**Emory University**  
**Division III**  
**Approved to use name**

The structure and stability my running team has provided me throughout my college career has helped me to become the well-rounded, organized individual I am today.

**Heidi Ffield**  
**Gymnastics**  
**North Carolina State University**  
**Division I**  
**Approved to use name**

First and foremost I learned what kind of mentality is needed by each member of a team to work as a cohesive whole! In addition, the mentality of one member of a team can affect the mentality of the entire team!!! Positivity and a relentless desire to be your best is essential.

**Michelle York**  
**Swimming**  
**Emory University**  
**Division III**  
**Approved to use name**

I can't even begin to put into words the amount of appreciation I have for what swimming has done for me. It has taught me lessons in ways that no other experience or schooling could have given me. While I began learning many of these in high school, my participation in collegiate athletics has been the true testament of instilling these principles in me, and I wouldn't trade it for the world. First and foremost, I think it has taught me some of the characteristics that I value most, both in myself and in others. For example, it has shown me the importance of hard work, dedication and sacrifice. All through my swimming career I have had to make tough choices such as to forego my opportunity to study abroad in college. It's a tough choice, knowing your college career will be far from normal in many ways, but it is one with many pay offs. Swimming has come with costs, but they have all shown me the importance of commitment and dedication. Setting goals is important, too. Waking up at 5:20 AM four mornings out of the school week is a true test of one's internal motivation and grit. How badly do you want to achieve those goals? If you want to achieve them, you get out of your bed every time, no matter how little sleep you got the night before. It has also taught me how to lead, while showing me the importance of knowing when to follow. It has demonstrated how to do what is best for a team. One of the very most important lessons it has given me is not only how to achieve, but how to deal with "failure" or disappointment. In particular, how you handle disappointments and how you bounce back. I think it is an extremely relevant representation of how life works. You may be the most talented swimmer in the world, but I've seen a lot of talent thrown away due to a lack of internal drive and hard work. That being said, you may also work harder than everyone else, yet getting what you want is still not guaranteed. I had a personal experience in college where I was faster (seems very black and white), and I still didn't get picked for a team. It was a very crushing moment for me. It burned, and it hurt badly, especially after all the hard work I had put in. But the reality is that situations like that happen in sports and in life. Those moments can happen anywhere. But, again, it's how you grow from it. It's how you learn and move forward. I think looking back on it now I am better prepared to handle my future successes and disappointments – with poise and more

hard work. That's something else that has definitely been instilled in me: ceaseless hard work. You have to be mentally and physically prepared, through hard work, to win the constant inner battle that you endure throughout practices and meets up to the highest level. Finally, swimming has just been a blessing because of who it's brought me to. As much as swimming has molded me, the teammates and friends who have been there with me have shaped me even to a greater extent. They are who I wake up for every morning. They are the reason why I would never want a "normal" college experience. Our team is extremely close and I'm so thankful for it. We would never win national championships without it. I've loved realizing over these three years that it isn't just fast times that contribute to winning. It is the teammate who races you day in and day out at practice, pushing you to your limits physically and mentally. It is the little "great job" from a teammate during or at the end of a tough set. It is the friend and confidant that wakes up to train with you each morning. It is so many things. Each and every person on that team has a role that has contributed to our success, and that is something I love most. Anyway, the lessons I've learned and the people I've met through swimming at the collegiate level are things I will carry with me through the rest of my life. I know every sport teaches you similar lessons, but for me personally, I don't think any other sport would've taught me so much or shaped the person I am as much as swimming has.

**Rick Florez**  
**Soccer**  
**Pennsylvania State University**  
**Division I**  
**Approved to use name**

Playing soccer in college helped instill discipline in me. We had such a rigorous schedule and every single thing had to be regimented. It helped me with staying organized both on and off the soccer field. This is a trait that I appreciate very much now that my playing days are over.

**Emese Gaal**  
**Volleyball, Track and Field**  
**Bowdoin College**  
**Division III**  
**Approved to use name**

As a rising senior in college, I am very attune to the difficulties of finding a summer internship and the formidable challenge of securing a job after college. Throughout my education, I have held steadfastly to a philosophy that the well rounded student is the best suited for today's workplace. As the "worksphere" becomes more and more interdisciplinary, meaning that jobs often require applicants to have a wide variety of skills that extend well beyond simple ability to execute directions, the need for better suited applicants becomes stronger and stronger. This being said, I can attest to the fact that sports have fundamentally shaped who I am as a friend, a sibling, a student, and as an employee, and because of it, I believe I am more prepared to succeed. From the beginning of my athletic career as a T-ball player at the age of 3 to my position in a collegiate athletics program, I have accrued countless skills over the years. As a youngster, I learned principles of sharing, collaboration, determination, hard work, and success, and as an adult, I have been given the opportunity to fine-tune and address inter-team communication and hierarchical issues, and to understand how players' self-perception and intrinsic motivation correlate with the team's propensity to succeed. While they may be unquantifiable on paper, the development of these skills are critical to the nurturing of high-achieving individuals. A sports team is a microcosm of real life that gives participants the opportunity to learn in a non-academic setting the skills that will drive success in their lives. Athletics fosters the growth of social capital amongst American youth, and in this competitive day and age, this is a benefit we cannot afford to overlook.

**Colton Gleason**  
**Wrestling**  
**North Carolina State University**  
**Division I**

**Approved to use name**

I learned that there is no challenge in life that will surpass the physical and mental stress I overcame during my collegiate career. Also, teammates who become lifelong friends are more valuable than any title or statistic.

**Antonio Scott**  
**Baseball**  
**Howard University**  
**Division I**

**Approved to use name**

The main lesson that I learned being a collegiate student-athlete was how to manage valuable time between my academic and athletic commitments. So much so that I now view this as a valuable skill which I apply in my career today. It made me realize that time is more valuable than money in most cases because you simply do not get time back like you can earn more money. I would also say that playing a college team sport allowed me to meet other players from different regions of the country. That experiences helped open my mind to different backgrounds which just like time management, I apply to my everyday work life now.

**Jaime Young**  
**Baseball**  
**Lipscomb University**  
**Division I**

**Approved to use name**

Playing baseball in college taught me many valuable life lessons. Most prominently among them are the ability to deal with failure and how to work with other people. To play college baseball, you have to learn how to react when thing don't go your way because a lot of the time they won't. You also have to know how to play as a team even though you don't necessarily like everyone on your team. These lessons are valuable not only in baseball but in all aspects of life.

**Hunter Hanks**  
**Baseball**  
**Lipscomb University**  
**Division I**

**Approved to use name**

I learned the value of time management and sacrifice.

**Mitch Kuebbing**  
**Baseball**  
**Longwood University**  
**Division I**

**Approved to use name**

I learned leadership skills as well as different time management skills. Being a student athlete in all aspects of life is difficult for us and it teaches us things that we will be able to use for the rest of our lives. I think I have learned more in a year of college athletics than I could ever learn otherwise

**Dan**  
**Baseball**  
**Xavier University**  
**Division I**

**Approved to use name**

You learn to get along with people of many backgrounds. Also you learn to budget your time and learn to work under pressure.

**Brett Lake**  
**Baseball**  
**Emory University**  
**Division III**

**Approved to use name**

So far while playing a sport in college, I have learned many valuable lessons and traits that will help me be successful in life after sports. Working in a team has helped me understand how to help others and also lead in some situations which relates to the professional world tremendously. I've also learned true work ethic and how much is needed in order to succeed at what I do. Punctuality is another important trait that I have learned in how I show up to practice and games well before the time that I am said to.

**Maxwell Gerard**  
**Baseball**  
**Haverford College**  
**Division III**

**Approved to use name**

I learned about time management in a way that I never did in high school. Having sport for what seemed like countless hours per week (even though I love it), really taught me to make use of the time I had dedicated to working. Team building and leadership values were constantly stressed at Haverford. We have an extremely tight-knit group of guys - this leads to our success as a ball club. I learned that to be successful as a unit everyone must trust their teammates.

**Justin Thomas**  
**Baseball**  
**Quinnipiac University**  
**Division I**

**Approved to use name**

I feel that I became a lot more social around campus by meeting a larger variety of people do to playing a sport there. Also, I learned how hard it is to play a sport in college. It feels nearly impossible to balance both baseball and school but we all manage to get it done. I've picked up some great time management skills due to this.

**Hilary King**  
**Track and Field**  
**San Francisco State University**  
**Division II**

**Approved to use name**

I've learned responsibility, leadership ethics value and the true meaning of working hard. Progress takes dedication and determination. The results I saw with the support of my teammates and seeing



them improve as well is the best feeling in the world. Struggling together and improving together is the best.

**Kendall Spencer**  
**Track and Field**  
**University of New Mexico**  
**Division I**  
**Approved to use name**

My experiences with college athletics extend far beyond the track and field stadium. What I've learned from starting as a freshmen to matriculating through as a senior will surely bless my life for years to come. I started off as a freshmen that wasn't recruited very highly and was asked to just walk on to most track teams. Additionally I spent my first two years of my college career on the sideline due to an injury and often thought about leaving it all behind me. Something in me told me to push myself past my limits and train harder than ever, dedicating myself to excellence both on and off the field. That following year I won a national title, broke a few records and competed in the Olympic Trials. One of the most important lessons I learned in college was how to push myself when past my limits. Dealing with adversity is something we all go through but if college sports teaches you anything, it teaches you perseverance. Among overcoming obstacles, I've learned how to multitask and to be more productive with my time. A lesson that as a competitive athlete reaches from the track all the way to the business world. My invaluable time as a collegiate athlete will forever remain the foundation on which I'm able to stand successfully today.

**Brandon Henderson**  
**Baseball**  
**The Ohio Wesleyan University**  
**Division III**  
**Approved to use name**

During my two years as a part of the Ohio Wesleyan baseball team, I have learned valuable life skills. I have learned how to manage my time. Going from the classroom to the weight room and then to the baseball field, I learned to plan out my days in advanced. I plan out when to study and when to have down time. Another valuable skill I have acquired is the ability to work hard. In order to be good on and off the field, you must have a strong work ethic.

**Football****Division I****NOT APPROVED to use name**

Playing sports in college helped develop the work ethic and desire to succeed that is necessary to thrive both academically and in the real world after graduation.

**Swimming****Division III****NOT APPROVED to use name**

I have learned self-confidence. I have learned communication both with my coaches and with my teammates. I have figured out how to be proactive. I have learned the importance of positive relationships with my friends and teammates and how to value them. I have improved my time management skills. I have learned how to prioritize my social activities. Being a student-athlete has done wonderful things for me as a person, a student and an athlete. I take so much pride in my opportunity to represent my school.

**Soccer****Division I****NOT APPROVED to use name**

Participating in collegiate athletics at the Division 1 level has provided me the opportunity to learn and develop skills comparable to that of, and even beyond, a classroom setting.

**Baseball****Division III****NOT APPROVED to use name**

Not everything comes down to how successful or unsuccessful you are on the field. What matters is the life experiences you gain as well as the friendships you develop throughout your time. You only have so long to play the game you love, but the memories you develop last forever.

**Swimming****Division III****NOT APPROVED to use name**

Being a student-athlete undoubtedly had a great impact on my college career. Not only did I learn valuable life lessons, such as commitment and perseverance, but I also learned the value of teamwork and togetherness. Being a competitive athlete was not a four year experience, it is something that I will continue to use for the rest of my life. Without the competition that I experienced swimming I would not have the same drive to succeed that I do in everyday life. I am constantly striving to be better than the person next to me, regardless of the task at hand. I encourage all high school students and youth athletes to continue their athletic careers while in college, because athletics provides valuable life lessons and forms friendships with your teammates that will carry on for the rest of your life.

**Baseball****Division III****NOT APPROVED to use name**

Playing collegiate sports has had a tremendous impact on my academic career. Most importantly, it forces athletes to improve their time management skills. With rigorous practice and workout hours, it is important to learn how to allocate all of your time in a way that you can succeed in not just

athletics or academics but both. Additionally, being an athlete has taught me both how to take a leadership position, and how to work well with others. Both of these skills are crucial to living successful lives after athletic careers come to an end.

### **Baseball**

#### **Division III**

##### **NOT APPROVED to use name**

Playing a sport has taught me many things, but one of the biggest aspects of life that it has taught me is how to deal with failure. Baseball is a sport in which a great player is successful anywhere from 3 to 3.5 times out of 10. That means that there is a large amount of failure within the game. I have had to learn about how to overcome periods of time without much success, how to will myself to continue to fight when I was not playing as much as I would have liked, and how to use that motivation in the right way to be successful again. All of these ideas transfer well not only into the classroom, but also into the corporate world. As my teammates and I search for jobs, there is a good chance that we will not be given an offer for every one that is applied to. Instead, we must learn to deal with the failure of not being hired for a job and using that motivation to continue to search for jobs until we succeed. Being on a sports team has taught me a lot about myself, how strong of a person I can be, and what it will take for me to be successful on the field and off of it.

### **Women's Soccer**

#### **Division III**

##### **NOT APPROVED to use name**

Soccer has taught me to be more responsible for my actions, on and off the field. My team relies on me just like I rely on them. If I don't do my part for the team, we cannot be the best we can be which isn't fair to everyone.

### **Baseball**

#### **Division III**

##### **NOT APPROVED to use name**

Playing a sport in college taught me many valuable lessons that I could not learn in the classroom. I have learned many leadership skills that most other students could never achieve by only sitting in a classroom. Additionally, playing a sport has taught me how to become a better networker and how to interact with others.

### **Volleyball**

#### **Division III**

##### **NOT APPROVED to use name**

I learned to be mentally tough, encourage others when it was not easy to do so, perform in crunch situations, manage time effectively, and be committed to something difficult. I learned to be a leader and also to listen and work in a team.

### **Baseball**

#### **Division III**

##### **NOT APPROVED to use name**

Have taught me to work as a team and that everyone is a key part to the team. Everyone has to work their hardest for you to achieve your goals

### **Track and Field**

#### **Division III**

**NOT APPROVED to use name**

Participating on a sports team while in college has taught me how to manage my time more efficiently and the importance of mentoring others.